

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

In re:	Chapter 11
INACOM CORP., et al., Debtors.	Bankruptcy Case No. 00-2426 (PJW)
INACOM CORP., et al., Plaintiff,  v.  TECH DATA CORPORATION, Defendant.	Civil Action No. 04-CV-148 (GMS)
INACOM CORP., et al., Plaintiff,  v.  DELL COMPUTER CORPORATION, Defendant.	Civil Action No. 04-CV-582 (GMS)
INACOM CORP., et al., Plaintiff,  v.  LEXMARK INTERNATIONAL, INC., Defendant.	Civil Action No. 04-CV-583 (GMS)
INACOM CORP., et al., Plaintiff,  v.  INGRAM ENTERTAINMENT, INC., Defendant.	Civil Action No. 04-CV-593 (GMS)

**HEWLETT-PACKARD COMPANY'S MOTION FOR A  
SEPARATE TRIAL OF THE THIRD-PARTY CLAIMS**

Third-Party Defendant Hewlett-Packard Company, as successor in interest to Compaq Computer Corporation (“HP”), moves this Court, pursuant to Rule 42(b) of the Federal Rules of Civil Procedure, for an order for a separate trial of the third-party claims brought by Lexmark International, Inc. and Tech Data Corporation on the grounds that a separate trial would be more convenient to the court and the parties, be more conducive to expedition and judicial economy, and would avoid unnecessary prejudice to HP. An opening brief in support of this motion is filed herewith.

**CERTIFICATION OF COUNSEL**

Pursuant to Rule 7.1.1 of the Local Rules of Civil Practice and Procedure of the United States District Court for the District of Delaware, the undersigned hereby certifies that counsel for Hewlett-Packard Company have made a reasonable effort to reach agreement with counsel for Dell, Inc., Ingram Entertainment, Inc., Lexmark International, Inc., and Tech Data Corporation on the matters set forth in this motion, and have been unable to reach such agreement.

WHEREFORE, HP respectfully requests that this Court enter the order attached hereto granting its motion for a separate trial of the third-party claims brought by Lexmark International, Inc. and Tech Data Corporation, and such further and other relief as this court deems just and proper.

Dated: July 6, 2005  
Wilmington, Delaware

MORRIS, NICHOLS, ARSHT & TUNNELL



William H. Sudell, Jr. (No. 463)  
Derek C. Abbott (No. 3376)  
Daniel B. Butz (No. 4227)  
1201 N. Market Street  
Wilmington, DE 19899-1347  
(302) 658-9200

- and -

FRIEDMAN DUMAS & SPRINGWATER LLP  
Ellen A. Friedman  
Cecily A. Dumas  
Gail S. Greenwood  
Brandon C. Chaves  
One Maritime Plaza, Suite 2475  
San Francisco, CA 94111  
(415) 834-3800

Attorneys for Third-Party Defendant  
Hewlett-Packard Company